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UNSEALED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR. NO. F. 02-5301 OWW
)	
Plaintiff,	)	VIOLATION: 18 U.S.C. § 2251(a)
	)	and (d) - Conspiracy to
v.	)	Sexually Exploit Children; 18
	)	U.S.C. § 2251(b) - Sexual
LLOYD ALAN EMMERSON, a.k.a.	)	Exploitation of Children; 18
"Lotus"	)	U.S.C. § 2252(a)(2) - Receiving
PAUL GORDAN WHITMORE,	)	and Distributing Material
BROOKE ROWLAND,	)	Involving the Sexual
TRACY A. REYNOLDS, a.k.a	)	Exploitation of Minors'
"Sitting Bull,")	
LESLIE PETER BOWCUT,)	
MICHAEL DAVID HARLAND)	
HARRY ELTON TSCHERNETZKI,)	
JOHN ZILL,)	
CRAIG DAVIDSON,)	
EGGERT JENSEN,)	
BENTE JENSEN,)	
JEAN-MICHAEL FRANCES CATTIN)	
MARCEL EGLI,)	
DIRK-JAN PRINS,)	
PETER ALTHAUS,)	
JOSEPH PAUL DURBOROW, a.k.a.)	
"Lazarus")	
EDWIN BARTHOLOMEW, a.k.a.)	
"EJ Bart,")	
DANIEL BOOBAR, a.k.a.)	
"Loltot")	
JAMES EDWARD LEE, a.k.a.)	
"Einstein," and)	
TRENT HARIACZYI)	
)	
Defendants.)	

31

S U P E R S E D I N G I N D I C T M E N T

COUNT ONE: [18 U.S.C. § 2251 (a) and (d) - Conspiracy to Sexually Exploit of Children]

The Grand Jury charges:

LLOYD ALAN EMMERSON,
PAUL GORDAN WHITMORE,
BROOKE ROWLAND,
TRACY A. REYNOLDS, a.k.a "Sitting Bull,"
LESLIE PETER BOWCUT,
MICHAEL DAVID HARLAND
HARRY ELDON TSCHERNETZKI,
JOHN ZILL,
CRAIG DAVIDSON,
EGGERT JENSEN,
BENTE JENSEN,
JEAN-MICHAEL FRANCES CATTIN
MARCEL EGLI,
DIRK-JAN PRINS, and
PETER ALTHAUS,
JOSEPH PAUL DURBOROW, a.k.a.
"Lazarus"
EDWIN BARTHOLOMEW, a.k.a.
"EJ Bart,"
DANIEL BOOBAR, a.k.a.
"Loltot"
JAMES EDWARD LEE, a.k.a.
"Einstein," and
TRENT HARIACZYI

defendants herein as follows:

I. Introduction:

A. Defendant's Residences:

1. At all times relevant herein defendant LLOYD ALAN EMMERSON resided in Fresno County in the State and Eastern District of California.

2. At all times relevant herein defendants PAUL WHITMORE AND BROOKE ROWLAND resided in San Diego County in the State and Southern District of California.

3. At all times relevant herein defendant TRACY REYNOLDS,

1 a.k.a "Sitting Bull," resided in the State and Eastern District of
2 Texas.

3 4. At all times relevant herein defendant LESLIE PETER BOWCUT
4 resided the State and District of Idaho.

5 5. At all times relevant herein defendant MICHAEL DAVID
6 HARLAND resided in the State and Southern District of Florida.

7 6. At all times relevant herein defendant HARRY ELDON
8 TSCHERNETZKI resided in the State and Western District of
9 Washington.

10 7. At all times relevant herein defendant JOHN ZILL resided
11 in the State and District of South Carolina.

12 8. At all times relevant herein defendant CRAIG DAVIDSON
13 resided in the State and District of Kansas.

14 9. At all times relevant herein defendant EGGERT JENSEN
15 resided in the Country of Denmark.

16 10. At all times relevant herein defendant BENTE JENSEN
17 resided in the Country of Denmark.

18 11. At all times relevant herein defendant JEAN-MICHAEL
19 FRANCES CATTIN resided in the Country of Switzerland.

20 12. At all times relevant herein defendant MARCEL EGLI
21 resided in the Country of Switzerland.

22 13. At all times relevant herein defendant DIRK-JAN PRINS
23 resided in the Country of the Netherlands.

24 14. At all time relevant herein defendant Peter Althaus
25 resided in the Country Switzerland.

26 15. At all times relevant herein defendant JOSEPH PAUL
27 DURBOROW resided in the State and District of Utah.
28

1 16. At all times relevant herein defendant EDWIN BARTHOLOMEW
2 resided in the State and Northern District of Ohio.

3 17. At all times relevant herein defendant DANIEL BOOBAR,
4 a.k.a. "Loltot," resided in the State and Northern District of
5 Texas.

6 18. At all times relevant herein defendant JAMES EDWARD LEE,
7 a.k.a "Einstein," resided in the State and Northern district of
8 Indiana.

9 19. At all times relevant herein defendant TRENT HARIACZYI
10 resided in the State and Western District of New York.

11 B. Defendant's Access to Children.

12 15. At all times relevant herein numerous defendants gained
13 access to children for the purpose of producing photographs of
14 children engaged in sexually explicit conduct; many defendants were
15 parents and child care providers of such children.

16 C. Defendant's Access to Computers and the Internet.

17 16. At all times relevant herein each defendant had access to
18 a computer which was able, through the use of an Internet Service
19 Provider (ISP) or other means, to access the Internet and therefore
20 had an effect on interstate and foreign commerce.

21 II. THE CONSPIRACY

22 17. Beginning at a time unknown to the grand jury, but no
23 later than on or about December 12, 1999, and continuing to on or
24 about January 26, 2002, the defendants, in the State and Districts
25 and countries set forth in paragraphs one through fourteen above,
26 and elsewhere, having access to minor children did, unlawfully
27 combine, conspire, confederate and agree with each other, and with
28 others both known and unknown to the grand jury, to knowingly

1 employ, use, persuade, induce, entice and coerce a minor to engage
2 in, and assist any other person to engage in, sexually explicit
3 conduct for the purpose of producing visual depictions of such
4 conduct, the defendants knowing and having reason to know such
5 depictions would be transported in interstate and foreign commerce
6 and such depictions were produced using materials that had been
7 shipped in interstate and foreign commerce and such depictions were
8 actually transported across state lines and in Interstate commerce
9 by any means including by a computer, to wit: the defendants, for
10 reasons including but not limited to their own sexual
11 gratification, did knowingly use and coerce minors of whom they had
12 access and custody and control to engage in sexually explicit
13 conduct and then did produce visual depictions of such conduct and
14 then, using a computer and the Internet, as well as the United
15 States Mail and other methods, did transmit such depictions to
16 other members of the conspiracy, who were in locations including
17 but not limited to the locations set forth in paragraphs one
18 through fourteen above, all in violation of Title 18, United States
19 Code, Section 2251(a) and (d).

20 III. THE PURPOSE OF THE CONSPIRACY

21 18. The purpose of the conspiracy was to sexually gratify the
22 defendants by utilizing children for the production of images of
23 such children and others engaged in sexually explicit conduct and
24 to transmit such photos, in interstate and foreign commerce by any
25 means, including but not limited to a computer and the Internet,
26 among and between the conspirators and others both known and
27 unknown to the grand jury.

28 //

1 IV. MANNER AND MEANS

2 19. During the above-described time period, the defendants
3 engaged in the production and distribution of images of minors
4 engaged in sexually explicit conduct by the following manner and
5 means:

6 a. Taking and producing photographs of minor children
7 engaged in sexually explicit activity.

8 b. Transmitting such photographs among and between
9 members of the conspiracy, and others known and unknown to the
10 grand jury.

11 c. Entering into oral and written agreements among
12 members of the conspiracy and others known and unknown to the grand
13 jury which agreements set forth the sexual acts in which members of
14 the conspiracy and others desired to have the children engage.

15 d. Communicating among and between each other, and
16 others known and unknown to the grand jury, for the purposes of
17 discussing the production of child pornography, including but not
18 limited to discussions of sexual situations in which the
19 defendant's desired minors to participate, discussions of specific
20 photographs that would be produced or transmitted by members of the
21 conspiracy and others known and unknown to the grand jury, and to
22 arrange to have minors travel to and among conspirators, and others
23 known and unknown to the grand jury, for the purpose of producing
24 visual depictions of such minors engaged in sexually explicit
25 conduct.

26 e. Traveling to and between locations where members of
27 the conspiracy and others known and unknown to the grand jury
28 resided for the purpose of producing visual depictions of minor

1 children, who were in the custody and care of members of the
2 conspiracy, engaging in sexually explicit activity.

3 V. OVERT ACTS

4 20. In furtherance of the conspiracy, and to accomplish the
5 objects thereof, the defendants, and others, performed some or all
6 of the following overt acts in the Eastern District of California
7 and elsewhere, any one of which is sufficient to establish the
8 conspiracy as alleged above:

9 Overt Acts Series One: On or about and between the dates set
10 forth below the defendants did transmit, via the Internet and other
11 methods, in interstate and foreign commerce, the following images
12 to and among each other and others known and unknown to the grand
13 jury.

14 Overt Act 1A: On or about and between August 2000 and January
15 26, 2002, defendant LLOYD EMMERSON transmitted and caused to be
16 transmitted, to defendants PAUL GORDAN WHITMORE, BROOKE ROWLAND,
17 MICHAEL DAVID HARLAND, LESLIE PETER BOWCUTT, EGGERT JENSEN, DIRK
18 JAN PRINS, JAMES EDWARD LEE, DANIEL BOOBAR, JOSEPH PAUL DURBOROW
19 and others known and unknown to the grand jury, photographs of
20 minor children, in the care and custody of defendant LLOYD ALAN
21 EMMERSON, engaged in sexually explicit conduct.

22 Overt Act 1B: On or about and between August 2000 and January
23 26, 2002, defendant PAUL GORDAN WHITMORE transmitted to defendant
24 LLOYD EMMERSON and others known and unknown to the grand jury,
25 photographs of minor children, in the care and custody of defendant
26 PAUL GORDAN WHITMORE, engaged in sexually explicit conduct.

27 Overt Act 1C: On or about and between May 2001 and January 26,
28 2002, defendant BROOKE ROWLAND transmitted to defendant LLOYD

1 EMMERSON and others known and unknown to the grand jury,
2 photographs of minor children, in the care and custody of defendant
3 BROKE ROWLAND, engaged in sexually explicit conduct.

4 Overt Act 1D: On or about and between May 2000 and January
5 26, 2002, defendant TRACY REYNOLDS transmitted to defendant LLOYD
6 EMMERSON and others known and unknown to the grand jury,
7 photographs of minor children, in the care and custody of defendant
8 TRACY REYNOLDS, engaged in sexually explicit conduct.

9 Overt Act 1E: On or about and between January 2000 and
10 January 26, 2002, defendant LESLIE PETER BOWCUT transmitted to
11 defendant LLOYD EMMERSON and others known and unknown to the grand
12 jury, photographs of minor children, in the care and custody of
13 defendant LESLIE PETER BOWCUT, engaged in sexually explicit
14 conduct.

15 Overt Act 1F: On or about and between August 2000 and January
16 26, 2002, defendant MICHAEL DAVID HARLAND transmitted to defendant
17 LLOYD EMMERSON and others known and unknown to the grand jury,
18 photographs of minor children, in the care and custody of defendant
19 MICHAEL DAVID HARLAND, engaged in sexually explicit conduct.

20 Overt Act 1G: On or about and between May 2000 and January 26,
21 2002, defendant HARRY ELDON TSCHERNETZKI transmitted to defendant
22 LLOYD EMMERSON and others known and unknown to the grand jury,
23 photographs of minor children, in the care and custody of defendant
24 HARRY ELDON TSCHERNETZKI, engaged in sexually explicit conduct.

25 Overt Act 1H: On or about and between September 2000, and
26 January 26, 2002, defendant JOHN ZILL transmitted to defendant
27 LLOYD EMMERSON and others known and unknown to the grand jury,
28 photographs of minor children, in the care and custody of defendant

1 JOHN ZILL, engaged in sexually explicit conduct.

2 Overt Act 1I: On or about and between December 1999 and
3 January 26, 2002, defendant CRAIG DAVIDSON transmitted to defendant
4 LLOYD EMMERSON and others known and unknown to the grand jury,
5 photographs of minor children, in the care and custody of defendant
6 CRAIG DAVIDSON, engaged in sexually explicit conduct.

7 Overt Act 1J: On or about and between September 2001 and
8 January 26, 2002, defendant EGGERT JENSEN transmitted to defendant
9 LLOYD EMMERSON and others known and unknown to the grand jury,
10 photographs of minor children, in the care and custody of defendant
11 EGGERT JENSEN, engaged in sexually explicit conduct.

12 Overt Act 1K: On or about and between September 2001 and
13 January 26, 2002, defendant BENTE JENSEN transmitted to defendant
14 LLOYD EMMERSON and others known and unknown to the grand jury,
15 photographs of minor children, in the care and custody of defendant
16 BENTE JENSEN, engaged in sexually explicit conduct.

17 Overt Act 1L: On or about and between August 2001 and January
18 26, 2002, defendant MARCEL EGLI transmitted to defendant LLOYD
19 EMMERSON and others known and unknown to the grand jury,
20 photographs of minor children, in the care and custody of defendant
21 MARCEL EGLI, engaged in sexually explicit conduct.

22 Overt Act 1M: On or about and between June 2001 and January
23 26, 2002, defendant JEAN MICHEAL CATTIN transmitted to defendant
24 LLOYD EMMERSON and others known and unknown to the grand jury,
25 photographs of minor children, in the care and custody of defendant
26 JEAN MICHAEL CATTIN, engaged in sexually explicit conduct,
27 including but not limited to a photograph of a nude minor female
28 hold a sign which read "Hello Lloyd."

1 Overt Act 1N: On or about a date unknown to the grand jury
2 and continuing to no later than on or about January 26, 2002,
3 defendant DIRK JAN PRINS received from defendant LLOYD ALAN
4 EMMERSON and others known and unknown to the grand jury,
5 photographs of minor children, in the care and custody of defendant
6 LLOYD ALAN EMMERSON, engaged in sexually explicit conduct.

7 Overt Act 1P: On or about a date unknown to the grand jury
8 and continuing to on or about January 26, 2002, defendant PETER
9 ALTHAUS transmitted to defendant CRAIG DAVIDSON and others known
10 and unknown to the grand jury, a photograph of minor children, in
11 the care and custody of defendant PETER ALTHAUS, engaged in
12 sexually explicit conduct.

13 Overt Act 1Q: On or about and between July 2000 and
14 continuing to on or about January 26, 2002, defendant JOSEPH PAUL
15 DURBOROW transmitted to defendant PAUL GORDAN WHITMORE and others
16 known and unknown to the grand jury, a photograph of minor
17 children, in the care and custody of defendant PAUL GORDAN
18 WHITMORE, engaged in sexually explicit conduct.

19 Overt Act 1R: On or about a date unknown to the grand jury
20 and continuing to on or about January 26, 2002, defendant EDWIN
21 BARTHOLOMEW transmitted and caused to be transmitted, to defendant
22 LLOYD ALAN EMMERSON and others known and unknown to the grand jury,
23 photographs of a minor child, in the care and custody of defendant
24 EDWIN BARTHOLOMEW, engaged in sexually explicit conduct.

25 Overt Act 1S: On or about a date unknown to the grand jury
26 and continuing to on or about January 26, 2002, defendant JOSEPH
27 PAUL DURBOROW requested and received from individuals known to him
28 as "Einstein," "Komodo," "Highwayman," "Ratboy," "Hunter," and

1 others known and unknown to the grand jury, numerous photographs of
2 minor children, in the care and custody of others, engaged in
3 sexually explicit conduct.

4 Overt Act 1T: On or about May of 2000 and continuing to a
5 date no later than January 26 2002, defendant TRENT HARIACZYI
6 requested and received from LESLIE PETER BOWCUT and others known
7 and unknown to the grand jury, photographs of minor children, in
8 the care and custody of others, engaged in sexually explicit
9 conduct.

10 Overt Acts Series Two: On or about and between the dates set
11 forth below the defendants did transmit, via the Internet and other
12 methods, in interstate and foreign commerce, communications,
13 including but not limited to e-mail communications and other forms
14 of text messages, which communications discussed, among other
15 topics, the production and transmission of images of minors engaged
16 in sexually explicit conduct.

17 Overt Act 2A: On or about a date unknown to the grand jury and
18 continuing to on or about January 26, 2002, defendant LLOYD
19 EMMERSON transmitted to defendants PAUL GORDAN WHITMORE, MICHAEL
20 DAVID HARLAND, LESLIE PETER BOWCUTT, TRACY REYNOLDS and others
21 known and unknown to the grand jury, communications which
22 discussed, among other topics, the production and transmission of
23 images of minors engaged in sexually explicit conduct.

24 Overt Act 2B: On or about and between August 2000 and
25 September 30, 2001, defendant PAUL GORDAN WHITMORE transmitted to
26 defendant LLOYD EMMERSON and others known and unknown to the grand
27 jury, communications which discussed, among other topics, the
28 production and transmission of images of minors engaged in sexually

1 explicit conduct.

2 Overt Act 2C: On or about and between August 2000 and March
3 2001, defendant TRACY REYNOLDS transmitted to defendant LLOYD
4 EMMERSON and others known and unknown to the grand jury,
5 communications which discussed, among other topics, the production
6 and transmission of images of minors engaged in sexually explicit
7 conduct.

8 Overt Act 2D: On or about and between March 2000 and August
9 2000, defendant LESLIE PETER BOWCUT transmitted to defendant LLOYD
10 EMMERSON and others known and unknown to the grand jury,
11 communications which discussed, among other topics, the production
12 and transmission of images of minors engaged in sexually explicit
13 conduct.

14 Overt Act 2E: On or about and between August 1999 and
15 November 2001, defendant HARRY ELDON TSCHERNETZKI transmitted to
16 defendant LLOYD EMMERSON and others known and unknown to the grand
17 jury, communications which discussed, among other topics, the
18 production and transmission of images of minors engaged in sexually
19 explicit conduct.

20 Overt Act 2F: On or about December 2000, defendant CRAIG
21 DAVIDSON transmitted to defendant LLOYD EMMERSON and others known
22 and unknown to the grand jury, communications which discussed,
23 among other topics, the production and transmission of images of
24 minors engaged in sexually explicit conduct.

25 Overt Act 2G: On or about and between September 2001 and
26 October 2001, defendant EGGERT JENSEN transmitted to defendant
27 LLOYD EMMERSON and others known and unknown to the grand jury,
28 communications which discussed, among other topics, the production

1 and transmission of images of minors engaged in sexually explicit
2 conduct.

3 Overt Act 2H: On or about and between September 2001 and
4 October 2001, defendant BENTE JENSEN transmitted to defendant LLOYD
5 EMMERSON and others known and unknown to the grand jury,
6 communications which discussed, among other topics, the production
7 and transmission of images of minors engaged in sexually explicit
8 conduct.

9 Overt Act 2I: On or about and between March 2001 and November
10 2001, defendant MARCEL EGLI transmitted to defendant LLOYD EMMERSON
11 and others known and unknown to the grand jury, communications
12 which discussed, among other topics, the production and
13 transmission of images of minors engaged in sexually explicit
14 conduct.

15 Overt Act 2J: On or about and between May 2001 and June 2001,
16 defendant JEAN MICHAEL CATTIN transmitted to defendant LLOYD
17 EMMERSON and others known and unknown to the grand jury,
18 communications which discussed, among other topics, the production
19 and transmission of images of minors engaged in sexually explicit
20 conduct.

21 Overt Act 2K: Beginning on or about July 2000, continuing to
22 on or about January 26, 2002, defendant JOSEPH PAUL DURBOROW
23 transmitted to defendant LLOYD EMMERSON and others known and
24 unknown to the grand jury, communications which discussed, among
25 other topics, the production of images of minors engaged in
26 sexually explicit conduct.

27 Overt Act 2L: Beginning on or about March 2000, and continuing
28 to on or about and September 26, 2001, defendant JAMES EDWARD LEE

1 transmitted to defendant LLOYD EMMERSON and others known and
2 unknown to the grand jury, communications which discussed, among
3 other topics, the production of images of minors engaged in
4 sexually explicit conduct.

5 Overt Act 2M: On or about November 22, 2000, defendant DANIEL
6 BOOBAR transmitted to defendant LLOYD EMMERSON and others known and
7 unknown to the grand jury, a communication which discussed, among
8 other topics, the "fictional account of an incestuous sexual
9 encounter between an adult male and an underage female."

10 Overt Act 2N: On or about May 2000, defendant TRENT HARIACZYI
11 transmitted to defendant LESLIE PETER BOWCUTT and others known and
12 unknown to the grand jury, a communication which discussed, among
13 other topics, the sexual abuse of a female minor that was in his
14 care and control.

15 Overt Acts Series 3: On or about and between the dates set
16 forth below, the defendants did engage, via the Internet and
17 Interstate and Foreign Commerce, in simultaneous communications,
18 commonly referred to as "Chat Sessions," for the purpose of
19 discussing, among other topics, the possession, production and
20 transmission of images of minors engaged in sexually explicit
21 conduct.

22 Overt Act 3A: On or about April 25, defendants MICHAEL DAVID
23 HARLAND and LLOYD ALAN EMMERSON did engage in a chat session as set
24 forth above.

25 Overt Act 3B: On or about December 28, 2000, defendant HARRY
26 ELDON TSCHERNETZKI and LLOYD ALAN EMMERSON, did engage in a chat
27 session as set forth above.

28 Overt Act 3C: On or about November 14, 2001, defendant HARRY

1 ELDON TSCHERNETZKI and LLOYD ALAN EMMERSON, did engage in a chat
2 session as set forth above.

3 Overt Act 3D: On or about September 23 and 24, 1999, defendant
4 DANIEL BOOBAR and MICHAEL DAVID HARLAND, did engage in a chat
5 session as set forth above.

6 Overt Act 3E: On or about September March 26 and 27, 2000,
7 defendant JAMES EDWARD LEE and LLOYD ALAN EMMERSON, did engage in a
8 chat session as set forth above.

9 Overt Acts Series 4: On or about and between the dates set
10 forth below the defendants did travel from the State and Eastern
11 District of California to the State and Southern District of
12 California for the purposes of producing visual depictions of
13 minors engaged in sexually explicit conduct, which depictions were
14 then exchanged between and among the defendants and others known
15 and unknown to the grand jury.

16 Overt Act 4A: On or about July 2001, Defendant LLOYD ALAN
17 EMMERSON traveled from the State and Eastern District of California
18 to the State and Southern District of California for the purpose of
19 producing such visual depictions.

20 Overt Act 4B: On or about May 2001, Defendant PAUL GORDAN
21 WHITMORE traveled from the State and Southern District of
22 California to the State and Eastern District of California for the
23 purpose of producing such visual depictions.

24 Overt Act 5: On or about September 28, 2001, defendants LLOYD
25 ALAN EMMERSON and PAUL GORDAN WHITMORE created and entered into a
26 written agreement which agreement set forth rules of conduct and
27 expectations for such defendants and other defendants known and
28 unknown to the grand jury, to follow when engaging in the sexual

1 exploitation of children for the purposes of producing visual
2 depictions of such conduct.

3 Overt Act 6: On or about September 23, 2001, in the State and
4 Southern District of California, defendant BROOKE ROWLAND, while in
5 the bedroom of PAUL GORDAN WHITMORE'S, home, produced and caused to
6 be produced a sexually explicit photo of himself posing naked with
7 a minor female in his custody and control and at a later date did
8 transmit such photograph to defendant LLOYD ALAN EMMERSON.

9 Overt Act 7: On or about November 14, 2001, in the State and
10 Southern District of California, defendant BROOKE ROWLAND did send
11 an e-mail communication to defendant JEAN MICHAEL CATTIN wherein he
12 discussed "the club" and made reference to "PAUL"

13 Overt Act 8: On or about May 5, 2000, in the State and
14 District of Idaho, defendant LESLIE PETER BOWCUT did send an e-mail
15 to defendant PAUL DAVID WHITMORE wherein he discussed the arrest of
16 defendant JOHN ZILL and a minor in the custody of ZILL.

17 Overt Act 9: On or about December 2000, defendant CRAIG
18 DAVIDSON, in the State and District of Kansas, did send a
19 communication to defendant LLOYD EMMERSON wherein he discussed
20 photographing a minor child in his custody who was wearing item of
21 clothing with a large hole located at or near the mid-part of her
22 body, which photograph was later transferred in Interstate Commerce
23 to defendant EMMERSON.

24 Overt Act 10: On or about February 10, 2001, in the State and
25 Eastern District of California and elsewhere, defendant LLOYD ALAN
26 EMMERSON did engage in an on-line communication with defendant
27 EGGERT JENSEN wherein they discussed finding out "about a leak in
28 the group."

1 Overt Act 11: On or about August 10, 2001, in the State and
2 Eastern District of California and elsewhere, defendant LLOYD ALAN
3 EMMERSON, for purposes including but not limited to his sexual
4 gratification, did send a communication to defendant EGGERT JENSEN
5 wherein EMMERSON requested an audio tape of a minor child in the
6 care and custody of defendant JENSEN so that defendant EMMERSON
7 could hear the child crying while the child was being spanked and
8 otherwise abused.

9 All in violation of Title 18, United States Code, Section 2251
10 (a) and (d).

11 COUNT TWO: [18 U.S.C. § 2251(b) - Sexual Exploitation of
Children]

12 The Grand Jury further charges: T H A T

13 LLOYD ALAN EMMERSON, and
14 PAUL WHITMORE,

15 defendants herein, on or about and between January 1, 2001 and
16 January 26, 2002, in the County of Fresno, State and Eastern
17 District of California, and the County of San Diego, State and
18 Southern District of California, and elsewhere, being a parent and
19 person having custody and control of a minor did knowingly permit
20 such minor to engage in, and did assist any other person to engage
21 in, sexually explicit conduct for the purpose of producing any
22 visual depiction of such conduct, knowing and having reason to know
23 that such depiction would be transported in interstate and foreign
24 commerce, and such visual depiction was produced using materials
25 that had been transported in interstate and foreign commerce and
26 such depiction was actually transported in interstate commerce by
27 any means including by a computer, to wit: the defendant did
28 knowingly permit minors of whom they had custody and control to

1 engage in sexually explicit conduct for the purpose of producing a
2 visual depiction of that conduct and knowing that such depiction
3 would be transported in interstate and foreign commerce, caused
4 that depiction to be transported via the Internet and a computer in
5 Interstate commerce to locations including but not limited to San
6 Diego, California, Idaho, Florida and Denmark, all in violation of
7 Title 18, United States Code, Section 2251(b).

8 COUNT THREE: [18 U.S.C. § 2252(a)(2) - Receiving and Distributing
9 Material Involving the Sexual Exploitation of]
Minors]

10 The Grand Jury further charges: T H A T

11 LLOYD ALAN EMMERSON,

12 defendant herein, on or about and between December 1999, and
13 January 26, 2002, in the County of Fresno, State and Eastern
14 District of California, and elsewhere did knowingly receive and
15 distribute, via computer, visual depictions, the producing of which
16 involved minors engaging in sexually explicit conduct, which
17 depictions had been transported in interstate commerce, to wit:
18 The defendant, using a computer and modem, received and
19 transported, via the Internet and interstate commerce, numerous
20 files, including but not limited to Computerized Graphic
21 Interchange Formats or Joint Photographic-Experts Group (GIF and
22 JPG files), all of which, as the defendant then knew, contained
23 visual depictions, the producing of which involved the use of

24 ///

25 ///

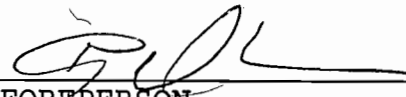
26 ///

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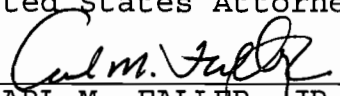
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1 minors engaged in sexually explicit conduct as defined in Title 18,
2 United States Code, Section 2256, all in violation of Title 18,
3 United States Code, Section 2252(a)(2).
4

5 A TRUE BILL.
6

7 
8 FOREPERSON

9 JOHN K. VINCENT
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